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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,720	05/31/2002	Hans Linder	P 290739	2846
909	7590	01/12/2005	EXAMINER	
PILLSBURY WINTHROP, LLP			LUEBKE, RENEE S	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2833	

DATE MAILED: 01/12/2005



Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,720

Applicant(s)

LINDER &amp; BORG

Examiner

Renee S. Luebke

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-21, 23-26 and 28-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-21, 23-26 and 28-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 24, 2004 has been entered.

2. The specification (the clean copy of the substitute specification filed October 24, 2004) is objected to because the sentence on lines 20-22 of page 5 is incomplete.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. The specification remains objected to as failing to clearly describe an operable device that performs the intended interlocking method. For example, the specification states that indication of interlocking is shown "by the lighting of a green lamp on the external surface of the actuator and by the pointing towards a green field of a mechanical arrow" (page 3, lines 28-31). However, there is no disclosure as to what triggers the lamp and there is no suggestion as to how the arrow is made to indicate a selected situation. Further, the application fails to indicate how the various parts operate or interrelate. The *Detailed Description* appears to be merely a brief discussion of a collection of parts and a broad statement of the goals of the invention. Even one familiar with the art (such as this examiner) would be unable to make and use a device based on the disclosure of this application.

5. Claims 18-21, 23-26, 29, 31, 32, 34-37, 40-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement

requirement. The claims contain subject matter which was not described in the application in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As noted above, the application fails to indicate how the device is assembled, arranged, etc. in order to operate as claimed.

6. It appears that some of the confusion in this application may be due to the misuse of the term *interlock*. An interlock connects (mechanically or electrically) two parts of a device together. For example the two actuators of the present device are apparently electrically interlocked by an electrical control system and communicate through cable 60. However, a key lock (for example, those operated by keys 18 or 24) is not an interlock. The keys merely lock one part of the system. It is suggested that applicant review the terminology used throughout the application in view of the distinction between an interlock and a lock.

7. Claims 17, 39, 51, 52 and 54, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Baginski, et al. This breaker comprises sets of contacts (16/22, 16/24), an actuator connected to the contacts by a linking system 74, etc., and a first interlock 38, a second interlock 70, and a mechanical indicator 34 that is arranged as claimed.

8. Claims 17-21, 23-26, 31, 33, 39, 40, 43, 51 and 52, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Wecke, et al. This breaker comprises sets of contacts (in switch 4), an actuator 3 connected to the contacts by a linking system 5, etc., a mechanical interlock 2, an electromagnetically operated 6 locking shackle, and an electrical interlock (column 3, line 64 – column 4, line 3).

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9. Claims 17-21, 23, 38, 39-54 are objected to because of the following informalities:

- Claim 17 lacks antecedent basis for “the movement” on line 7.
- It is unclear what parts of the system are being “interlocked” by the first and second interlocks.
- Claim 34 is contradictory. A *hand operated* device cannot operate *automatically*.
- Claim 38 lacks antecedent basis for “the mechanical interlocking” on line 2. In addition, it is unclear how a remote control can operate a mechanical interlock; the present disclosure does not appear to show such an arrangement.
- The term “remote control” is seen to be unclear since it is not defined in the specification and the disclosure specifically, repeatedly emphasizes that various parts are electrically and/or mechanically directly connected.
- Claims 52 and 53 appear to be missing text.

Appropriate corrections are required.

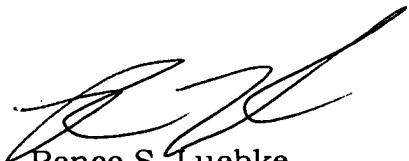
10. Any response to this action may be mailed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

or faxed to:  
(703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (571) 272-2009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.



Renee S. Luebke  
Primary Patent Examiner  
January 7, 2005